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November 8, 2004

VIA ELECTRONIC FILING

The Honorable Benson E. Legg
United States District Court
for the District of Maryland
Third Floor, Room 340
101 W. Lombard Street
Baltimore, MD 21201

Re: In the Matter of the Complaint of
Eternity Shipping Ltd., et al.
for Exoneration from or Limitation of Liability
Civil Action No.: L-01-CV-0250

Dear Judge Legg:

We write to alert the Court to two points that will require the Court's immediate attention in order to avoid untoward consequences for the trial of this case.

As counsel for the Limitation Plaintiffs, we have today filed and served our Memorandum In Opposition to the Motion of Claimant Tate & Lyle North American Sugars, Inc. for Sanctions. We have noted in our Memorandum that the motion papers filed by Tate & Lyle contain quotations from, and attach as exhibits copies of, portions of the United States Coast Guard Marine Casualty Investigation Report on the accident which gave rise to this lawsuit. Pursuant to 46 U.S.C. § 6308, no part of that Marine Casualty Investigation Report is admissible as evidence in this case. In order to avoid inappropriate review of these materials by the finder of fact, we hereby request that Tate & Lyle's Motion be referred to a Magistrate Judge for handling.

Unfortunately, Tate & Lyle has also included these or similar materials in its Motion for Summary Judgment as to the claim of Mrs. Gonzales. I am today writing to all counsel to suggest that we must fashion a remedy to avoid having the finder of fact consider these improperly-submitted materials. Until this matter can be resolved, we

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suggest that neither the Court nor the Court's law clerks assigned to this case should read or consider Tate & Lyle's summary judgment motion papers, or any response thereto that may be filed by Mrs. Gonzales.

We appreciate the Court's attention to this unusual request.

Respectfully yours,

A handwritten signature in black ink, appearing to read "M. Hamilton Whitman, Jr.", with a stylized flourish at the end.

M. Hamilton Whitman, Jr.

MHWjr/pkp

cc: Felicia C. Cannon, Clerk
All Counsel